

Message

---

**From:** Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]  
**Sent:** 2/25/2019 3:29:15 PM  
**To:** Madigan, Andrea [Madigan.Andrea@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs  
**Attachments:** VBI70-GLOP (Sisk)\_2019.02.25.docx

## Ex. 5 Attorney Work Product (AWP)

**Mark A.R. Chalfant**

Senior Enforcement Attorney | Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8  
Work: 303.312.6177 | Fax: 303-312-6953 | [chalfant.mark@epa.gov](mailto:chalfant.mark@epa.gov)

*This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.*

---

**From:** Madigan, Andrea  
**Sent:** Friday, February 22, 2019 3:14 PM  
**To:** Chalfant, Mark <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

What do you think?

Andrea Madigan  
Supervisory Attorney  
Legal Enforcement Program  
US EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202  
(303) 312-6904  
[madigan.andrea@epa.gov](mailto:madigan.andrea@epa.gov)

---

**From:** Wharton, Steve  
**Sent:** Friday, February 15, 2019 9:33 AM  
**To:** Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Chalfant, Mark <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Andrea & Mark – Please advise.

Thanks,  
Steve

Steve Wharton, Unit Chief  
Superfund Remedial Response and Federal Facilities Program  
EPA Region 8, Denver, CO  
Desk: 303-312-6935  
Cell: 303-264-8038  
[wharton.steve@epa.gov](mailto:wharton.steve@epa.gov)

---

**From:** Smith, Stephaniee  
**Sent:** Friday, February 15, 2019 8:17 AM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Good morning, Steve. I wanted to follow up with you to see if you have had a chance to decide on a new extension date yet. The current one on record is December 4, 2018. Please let me know.

Thank you.

Stephanee

---

**From:** Smith, Stephaniee  
**Sent:** Monday, February 4, 2019 10:56 AM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Hi, Steve. Diana Bellamy brought this down to me so once you and Andrea Madigan have decided on a new extension date, please let me know and I will inform Missy.

Thanks.

Stephanee

---

**From:** Bellamy, Diana  
**Sent:** Monday, February 4, 2019 8:01 AM  
**To:** Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>  
**Cc:** Smith, Stephaniee <[smith.stephanee@epa.gov](mailto:smith.stephanee@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Missy,

It looks as if Steve Wharton is still working on this file, and we do need an extension. Likewise, I am copying this doc to Stephaniee because she will be working with the CMS files.

Stephanee,

I have the CMS file and I will bring it down to you.

Diana

**Diana Bellamy, SEE**  
**Assessment & Revitalization Program**  
**(303) 312-6244**

---

**From:** Wharton, Steve  
**Sent:** Friday, February 1, 2019 4:11 PM  
**To:** Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>  
**Cc:** Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Hi Diana – Yes, I have the original request from CDPHE, which deals with the state’s concerns about the removal action at the VB/I-70 site and the potential impact of that work on the state’s Hazardous Substance Response Fund. Our response to the state’s request is dependent upon a records search that the Superfund Legal Enforcement program is conducting, which is not yet complete. We will need another extension, due primarily to the shutdown, but also to the extensive number of records we need to review. I’ve copied Andrea Madigan here, so we can develop a reasonable estimate for a new due date.

Thanks,  
Steve

Steve Wharton, Unit Chief  
Superfund Remedial Response and Federal Facilities Program  
EPA Region 8, Denver, CO  
Desk: 303-312-6935  
Cell: 303-264-8038  
[wharton.steve@epa.gov](mailto:wharton.steve@epa.gov)

---

**From:** Bellamy, Diana  
**Sent:** Friday, February 1, 2019 3:00 PM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs  
**Importance:** High

Steve,

I am looking for this final response on the “CDPHE,” from Martha Rudolph, Director of Environmental Programs, CDPHE. Attempting to locate this document.

My corresponding notes indicate that you might have the file.

Please advise.

Thank you.

Diana

**Diana Bellamy, SEE**  
**Assessment & Revitalization Program**  
**(303) 312-6244**

---

**From:** Haniewicz, Melissa  
**Sent:** Tuesday, December 4, 2018 2:08 PM  
**To:** Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

1/31/19 as requested.

---

**From:** Bellamy, Diana  
**Sent:** Tuesday, December 4, 2018 2:07 PM  
**To:** Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Missy,

What is the new due date on R8-19-000-0736? Sorry for the incorrect "29," part.

Diana

**Diana Bellamy, SEE**  
**Assessment & Revitalization Program**  
**(303) 312-6244**

---

**From:** Haniewicz, Melissa  
**Sent:** Tuesday, December 4, 2018 12:34 PM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Cc:** Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Chalfant, Mark <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>; Murray, Bill <[Murray.Bill@epa.gov](mailto:Murray.Bill@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Okay, I have updated the due date.

Thanks for letting me know!

---

**From:** Wharton, Steve  
**Sent:** Monday, December 3, 2018 4:17 PM  
**To:** Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>  
**Cc:** Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Chalfant, Mark <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>; Murray, Bill <[Murray.Bill@epa.gov](mailto:Murray.Bill@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Hi Missy – Please see Mark Chalfant's response below. The Superfund Remedial Program managers have had discussions with their CDPHE counterparts on this issue, so I don't believe that an interim response is warranted in this case. If possible, we would like to extend the due date for this response to January 31, 2019.

Please let us know.

Thanks,  
Steve

Steve Wharton, Unit Chief  
Superfund Remedial Response and Federal Facilities Program  
EPA Region 8, Denver, CO  
Desk: 303-312-6935  
Cell: 303-264-8038  
[wharton.steve@epa.gov](mailto:wharton.steve@epa.gov)

---

**From:** Chalfant, Mark  
**Sent:** Monday, December 3, 2018 3:26 PM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Cc:** Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public Health and Environment-Office of Environmental Programs

Steve,  
We are making headway on the FOIA which will inform the response to Ms. Rudolph. I see the current deadline is tomorrow. Have you requested an extension? I don't anticipate that we will be in a position to respond substantively until the end of January. If it would be helpful, I would be happy to draft an interim response, which acknowledges the letter and explains that a substantive response is forthcoming.  
Thanks,  
Mark

**Mark A.R. Chalfant**

Senior Enforcement Attorney | Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8  
National Administrative Litigation Co-Coordinator | Office of Civil Enforcement | U.S. EPA Headquarters  
Work: 303.312.6177 | Fax: 303-312-6953 | [chalfant.mark@epa.gov](mailto:chalfant.mark@epa.gov)

*This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.*

---

**From:** Madigan, Andrea  
**Sent:** Monday, December 3, 2018 12:50 PM  
**To:** Chalfant, Mark <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>  
**Subject:** FW: R8-29-000-0736; Colorado Department of Public Health and Environment-Office of Environmental Programs

Andrea Madigan  
Supervisory Attorney  
Legal Enforcement Program  
US EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202

(303) 312-6904  
[madigan.andrea@epa.gov](mailto:madigan.andrea@epa.gov)

---

**From:** Stavnes, Sandra  
**Sent:** Monday, December 3, 2018 10:16 AM  
**To:** Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>; Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>; Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>  
**Cc:** Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Steve/Andrea  
Please let Missy know how long of an extension you will need. Thanks.

*Sandy*

---

Sandy Stavnes  
Deputy Assistant Regional Administrator  
Office of Ecosystems Protection and Remediation  
US EPA, Region 8  
303-312-6117

---

**From:** Wharton, Steve  
**Sent:** Monday, December 3, 2018 9:00 AM  
**To:** Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>; Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>  
**Cc:** Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Diana - The response is dependent upon a records search the CERCLA Legal Enforcement Program is conducting. They are still a ways from completing that search, so we will need another extension.

Please let me know if you have any questions.

Thanks,  
Steve

Steve Wharton, Unit Chief  
Superfund Remedial Response and Federal Facilities Program  
EPA Region 8, Denver, CO  
Desk: 303-312-6935  
Cell: 303-264-8038  
[wharton.steve@epa.gov](mailto:wharton.steve@epa.gov)

---

**From:** Haniewicz, Melissa  
**Sent:** Monday, December 3, 2018 8:57 AM  
**To:** Bellamy, Diana <[bellamy.diana@epa.gov](mailto:bellamy.diana@epa.gov)>; Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>  
**Subject:** RE: R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

I don't have anything. I still have it listed as "pending" in the system.

---

**From:** Bellamy, Diana

**Sent:** Friday, November 30, 2018 1:56 PM

**To:** Haniewicz, Melissa <[Haniewicz.Melissa@epa.gov](mailto:Haniewicz.Melissa@epa.gov)>; Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>

**Subject:** R8-29-000-0736; Colorado Department of Public and Health and Environment-Office of Environmental Programs

Dear Missy and Steve:

I am looking for the final response to the Colorado Department of Public and Health/Environment document. I do not need the CMS Control sheet, I have this, and I have the letter Ms. Martha Rudolph wrote to Bill Murray.

I am in need of the response letter; signed by Steve Wharton or Betsy.

Steve,

My notes indicate that you previously requested for a 3-week extension on the file which will be 12/04/2018? Who has responded to this document? Did it get to Betsy?

Missy,

I am hoping if the file-doc is already closed out, I am needing the response letter to Martha Rudolph.

Will Missy and Steve please inform me.

Thank you.

Diana

**Diana Bellamy, SEE  
Assessment & Revitalization Program  
(303) 312-6244**